



# Howard County

---

## *Internal Memorandum*

**Subject: ZRA-88 – Taylor Family Limited Partnership A and B**

**Date: December 20, 2007**

**Memo To: Howard County Planning Board**

**From: Marsha McLaughlin, Director  
Department of Planning and Zoning**

### Background

- This Zoning Regulation Amendment case was last heard before the Planning Board at its October 4, 2007 public meeting.
- The requests are to amend Section 115.E. of the POR District regulations concerning requirements for age-restricted adult housing uses to add new provisions that allow retail and service uses, subject to certain limitations and requirements (“Proposed Amendment No. 1”) and to amend Section 116.B. of the PEC District regulations concerning the uses permitted as a matter of right in this district to add “Retail and Service Uses Permitted in the B-1 District” as a permitted use on lots in a planned development containing a minimum of 500 dwelling units (“Proposed Amendment No. 2”).
- The Planning Board voted 4 to 0 to table this case to allow the Petitioner to consider revisions and to allow the Department of Planning and Zoning to conduct additional studies of the various issues identified in the September 20, 2007 Technical Staff Report.
- On November 16, 2007, the Petitioner submitted the revised text which is attached. The text for the Proposed Amendment No. 1 request is the same as the original text except for the proposed Section 115.E.6.e., which now includes a ratio of 200 square feet of floor area for the first 100 dwelling units, and an additional 50 square feet of floor area for each dwelling unit over the first 100, up to a maximum 40,000 square feet for a project; as “project” is defined in the proposed Section 115.E.6.f.
- The revised text for the Proposed Amendment No. 2 is the same as the original except for the addition of a new second sentence stating “The total area of retail uses developed under this section shall not exceed 40,000 square feet.”.

### Evaluation

- Although the revisions to Proposed Amendment No. 1 and Proposed Amendment No. 2 do limit the potential amount of retail floor area to a certain extent, the Department of Planning and Zoning recommendation for both remains negative. In both cases, as emphasized in more detail in the September 20, 2007 Technical Staff Report, it is preferred to have a Zoning Map Amendment with site plan documentation to rezone a particular property to B-1, rather than change the POR and PEC regulations to allow for some B-1 uses under some circumstances. That is because it would allow the community to comment on the character and appropriateness of a specific development plan of a B-1 development, and with a Zoning Regulation Amendment there is no such opportunity.

- In the event the Planning Board or the County Council is receptive to the concept of Proposed Amendment No. 1 and Proposed Amendment No. 2, the Department provides the following commentary on each.
- For the revised Proposed Amendment No. 1, the Department conducted a study and prepared a map which will be presented to the Board that shows the existing, under-construction, in-process, and potential POR sites for age-restricted adult housing developments with greater than 100 dwelling units. Simply put, there are far too many sites with the potential for B-1 uses under Proposed Amendment No. 1, and such a significant change was never anticipated. Increasing the threshold for qualifying for B-1 uses is one solution, and a revised Proposed Amendment No. 1 is attached showing such an increase that would limit the potential considerably.
- For the revised Proposed Amendment No. 2, the Department found that the only qualifying PEC developments of the size proposed are Lynwood Square and Waverly Woods, both of which currently have shopping center components. Allowing an additional maximum 40,000 square feet of floor area for B-1 uses might not impact those communities to any great extent, but again, the Department believes it is preferable to give the communities the opportunity to comment on this issue in a Zoning Map Amendment case.

Attachment